

EXHIBIT 72

BEFORE THE AMERICAN ARBITRATION ASSOCIATION

North American Court of Arbitration for Sport Panel

United States Anti-Doping Agency,)
)
 Claimant,)
 v.)
)
 Floyd Landis,)
)
 Respondent)
 _____)

AAA No. 30 190 00847 06

DECLARATION OF JACQUES DE CEAURRIZ

I, Jacques de Ceaurriz, declare:

1. I am, and since 1997 have been, the Director of the *Laboratoire National de Dépistage du Dopage* (LNDD).
2. I am fluent in reading and writing and semi-fluent in speaking English.
3. As Director of LNDD, I was involved with and certified the results of the analyses that LNDD conducted in July 2006 and August 2006 of A and B samples identified by the number 995474, which we now understand were samples Mr. Floyd Landis gave after Stage 17 of the Tour de France. During the Stage 17 B sample preparation and analyses, Mr. Landis was represented by Dr. Douwe De Boer. Two attorneys for Mr. Landis were also present but they left after verifying that the B sample's seal was intact and witnessing the opening of the sample bottle.
4. More recently, I have been involved with and have certified the results of the analyses the United States Anti-Doping Agency (USADA) requested LNDD to conduct of Mr. Landis'

B samples from other stages of the Tour de France and of three control samples that Dr. Rodrigo Aguilera supplied as part of the blinding process we followed. We conducted and reported the results of these analyses between April 16, 2007 and April 23, 2007.

5. During my professional career, I have been involved with or witnessed approximately 50 analyses of B samples where the athlete or his or her representatives have observed under international and national rules and standards.

6. I have reviewed the Declaration of Paul Scott dated April 27, 2007 that has been filed in this matter, which purports to describe events that occurred during the April 2007 analyses. The Scott Declaration contains a number of misstatements. It also fails to mention important facts that bear on any evaluation of the April 2007 analyses.

7. The April 2007 analyses began on Monday April 16, 2007, with a meeting among representatives of LNDD, USADA and Mr. Landis. Present for LNDD were IRMS Supervisor Dr. Corinne Buisson and analytical chemists Cynthia Mongongu and Claire Frelat. Mr. Landis' representatives included Dr. Simon Davis and Paul Scott. Representing USADA were Dr. Aguilera and its outside counsel Daniel J. Dunn of the law firm of Holme Roberts & Owen. Mr. Dunn distributed his business cards to everyone present, including Mr. Scott and Dr. Davis. His card included his cell phone number and e-mail address. I began the meeting by outlining the upcoming week's events and schedule. Mr. Landis' representatives asked and we answered a number of questions during and following my remarks. We followed this same procedure at the start of each of the next five days.

8. Mr. Landis' representatives represented at this initial meeting that they were present only to observe the week's events. As I soon learned, however, they apparently had very different

objectives in mind, including interrogation of me and my staff and procuring documents and other information. These questions and requests for documents went substantially beyond what any other athlete's representative has ever requested or been allowed in any other B sample observation with which I have been involved.

9. At no point on Monday, April 16 or any other day of the April testing did any of Mr. Landis' representatives ever object or indicate any reservation about proceeding in the absence of any neutral expert appointed by the arbitration panel.

10. At no point on Monday, April 16 or any other day of the April testing did any of Mr. Landis' representatives ever request that any of Mr. Landis' B samples be split or that any aliquot of them be preserved so that they could independently analyze the material.

11. During the week of April 16, Mr. Landis' representatives were allowed rights to observe and access to information and documents that far exceeded the scope of what Mr. Landis' representatives requested or were allowed during the Stage 17 analyses in August 2006. There was no aspect of the sample handling, preparation, analyses or reporting that Dr. De Boer requested or was allowed to observe with respect to the Stage 17 B sample that Mr. Scott or Dr. Davis did not also observe or have the opportunity to observe¹ for the samples analyzed the week of April 16, 2007.

¹ LNDD chose on its own not to allow Mr. Scott to observe activities inside LNDD on two of the eight days during the April testing (Sunday April 22 and Monday April 23). We made the decision because Mr. Scott had specifically agreed with and represented to the LNDD and USADA representatives on both Friday April 20 and Saturday April 21 that he would *not* be present on Sunday and Monday (even though he alluded in passing at the end of Saturday's observation that there was an unlikely possibility he could receive "orders" to appear). Based on that representation, each of the two USADA representatives committed also not to be present and

12. Contrary to Mr. Scott's statements at page 2, paragraph 5a.iii of his declaration, there was never any "agreement" to allow him or Dr. Davis to observe linearity or stability runs, although LNDD did in fact allow them to see results of stability analyses during the week, which is normally not done in B sample observations. During the Stage 17 B sample analyses, Mr. Landis' representative Dr. De Boer never requested or was provided the opportunity to observe any linearity or stability runs. In any event, LNDD does not normally make linearity runs in connection with each IRMS analysis. It does so on a monthly basis, which had been done before the Monday meeting independently of the April 16 week analyses. To have done what Mr. Scott and Dr. Davis had asked would have been inconsistent with established LNDD procedures and with the procedure followed during the Stage 17 analyses.

13. On Tuesday April 17, 2007, Mr. Scott came unannounced and uninvited into my office, without any representative of USADA present, and began interrogating me in detail about various subjects including what standard operating procedures (SOPs) LNDD had in place, which I understood to cover those in place now and during the Stage 17 analyses. He also requested that I provide him copies of various SOPs and other internal LNDD documents. I was uncomfortable because I was unsure whether he was authorized to have such information, which we do not normally provide to representatives of the athlete (including Dr. De Boer when he observed the Stage 17 B sample analysis), and because he was making the requests outside of the presence of any representative of USADA.

14. Mr. Dunn happened to walk by and observed the interrogation going on. He reminded Mr. Scott that he should not be interrogating or making document requests of me or my staff

returned to the United States on Sunday. At no time did any representative of USADA instruct me or request that Mr. Scott not be allowed access to the facility.

without a representative of USADA at least knowing, and that he should not make requests that exceeded the scope of Mr. Landis' observation rights. Mr. Dunn also reminded Mr. Scott that the arbitration panel had previously denied Mr. Landis' request to depose LNDD personnel and that Mr. Scott should limit his questioning accordingly. Mr. Scott's statement at paragraph 5.b.iv. on page 3 of his declaration that Mr. Dunn instructed me not to provide Mr. Scott with any documentation is simply untrue. Mr. Dunn very specifically and carefully limited his comments regarding LNDD documents to those that are not normally provided in a B sample observation or that exceeded the scope of what the arbitration panel in this matter had authorized, and that in any event Mr. Scott should not make such requests without a representative of USADA present or knowing.

15. At various points in the week's events, I and others on my staff had a number of conversations with representatives of each of the parties outside of the presence of the other party, mostly about minor matters and occasionally about more substantive subjects. At no point in any separate conversations that I had with any USADA representative did they reveal anything about the samples Dr. Aguilera had brought with him as part of the blind testing. Nor did they request, or to my knowledge obtain, information about the ongoing testing that was not made available to Mr. Landis' representatives. They further never suggested that LNDD should conduct its analyses differently from its standard procedures or in a way that would have affected the accuracy or integrity of our results. Even if they had, we would not have done so.

16. Mr. Scott's statement in paragraph 7 at page 6 of his declaration that Mr. Dunn and Dr. Aguilera had unfettered access to laboratory personnel and documents is not true. Just like any outside party allowed access to our laboratory area, they were escorted by or in the presence of a LNDD representative the entire time they were in the laboratory area. I cannot recall

communicating any substantive information to USADA's representatives regarding the April 2007 analyses or the Stage 17 analyses that was not also provided to Mr. Landis' representatives.

17. Mr. Scott's statements at pages 3 and 4 of his declaration that he and Dr. Davis were denied any access to all SOPs they requested is also mistaken. At numerous times during the week's events, I witnessed each of them reviewing the SOP for sample preparation in the sample preparation room and the SOPs for GCMS and IRMS analyses in the room where that equipment is located.

18. One of the final steps in the IRMS analysis before results are reported we call data reduction, which includes data integration, verification and printing (and which Mr. Scott apparently calls "data processing" in his declaration). Data reduction occurs after the IRMS and GCMS machines have completed their analyses. The IRMS operator sits at a computer terminal where she runs the IRMS machine's output files through the IRMS software program, performs various verifications of the readings, and prepares the written results. As images or data flash on the screen, the operator executes keyboard commands at specific times as required by the software. Even though the results are dictated by the previously completed analyses, the operator nonetheless must take extreme care and pay careful attention so errors are not made. If she is distracted by questions or requests to pull up various information, the operator is likely to make mistakes or not complete the process in a timely manner consistent with other duties. Athlete's representatives rarely if ever sit and observe this stage of the process. Certainly, Dr. De Boer did not when he observed the Stage 17 B sample, nor did he ask to do so.²

² Dr. De Boer did on occasion request certain data from this process, but the requests were made in my office and the data were retrieved by my staff while Dr. De Boer stayed in my office. The data and documents Dr. De Boer requested and was provided in these situations was

19. Wednesday morning began with our usual briefing meeting. I announced that the results from the first sample would be ready soon and described the other activities planned for the day. The parties were then escorted to the sample preparation room in the laboratory where sample preparation was continuing. Data reduction on the first sample had been completed by this time. Mr. Scott or Dr. Davis insisted that they be allowed in the IRMS room to observe the data reduction. I explained that would not be possible because it had been completed. They persisted and insisted they see the reduction. The only way that could happen would be if we stopped other activities and attempted to re-perform what we had already done, which as a technical and scientific matter was simply not practicable. Moreover, the written information that was about to be provided to Mr. Landis' representative would give them a sufficient understanding of what was done during the reduction step. I have never before in my experience with B sample observations had an athlete's representative observe this step of the process or ask to do so. Given the distractions and delays that Mr. Landis' representatives had been causing in the prior two days by their numerous interruptions and questions of the operators while they performed sensitive tasks,³ and the fact that my staff were extremely busy completing their multiple other duties in connection with Mr. Landis' B samples, I believed their presence in the data reduction step for other samples would create a risk of error, which would be in no party's interest. All of these factors led me, on my own and without any direction or request from USADA, to decline

the same type of data and documents we provided (or would have been provided if asked) to Mr. Scott and Dr. Davis for each of the April 2007 analyses.

³ For example, it was reported to me that Mr. Scott had interfered with Ms. Mongongu during her sample preparation on Monday, April 16; he accosted her after the top of a small tube snapped during routine vibration; and demanded that she explain what happened, answer his questions and retrieve the discarded glass. That and other distractions by Mr. Scott and Dr. Davis led us the next day to take the extreme measure of taping off areas of the sample preparation room that none of the observers for Mr. Landis or USADA were allowed to cross.

Mr. Scott's demand, which I expressed to him in quite strong terms. After this exchange, Mr. Scott acknowledged the legitimacy of my concerns, voluntarily withdrew his request, stated he was "okay" with not seeing the step, and apologized. I note that no representative of USADA was able to observe the data reduction for the first sample either.

20. Having thought we had put the matter to rest, and had obtained Mr. Scott's and Dr. Davis' agreement on the matter, I was surprised and disheartened when on the next day (Thursday April 19) Mr. Scott and Dr. Davis again requested to observe the data reduction and printing steps in connection with the second sample Ms. Mongongu was handling in IRMS that day. I knew Ms. Mongongu was upset by Mr. Scott's conduct during the prior two days and that she felt threatened and distracted by him. For this and the other reasons identified in the previous paragraph, I declined the request. The decision, like the one I made the day before, was my decision. I was not asked or directed by any USADA representative to make it. USADA's representatives were similarly unable to observe the data reduction associated with the second sample.

21. On Friday morning during our regular initial meeting in the conference room outside of the laboratory, after I had reluctantly agreed to a compromise suggested by the USADA representatives the evening before to address Mr. Scott's and Dr. Davis' concerns about viewing the data reduction and printing, Mr. Scott and Dr. Davis were given the opportunity to observe the data reduction and printing with the next sample Ms. Mongongu was processing that day. They were offered the chance to stand right behind her as she sat at the computer and performed the functions. They were encouraged to ask all of the questions they wanted about what she was doing and why. They were also offered the opportunity to request that Ms. Mongongu pull up whatever available computer screens or information she had viewed or processed in connection

with the two prior samples. They were again encouraged to ask all of the questions they wanted about what she had done and why. In response to these offers and overtures, Mr. Scott stated that they no longer needed or wanted to observe those parts of the process because their information needs had been fully satisfied by the detailed written information and explanations we had given them regarding the earlier samples. I specifically recall Mr. Scott saying that they were "totally happy" with what they had seen and had been explained to them regarding the earlier samples.

22. Throughout the week, Mr. Scott and Dr. Davis were given the opportunity to receive copies of all of the written results and associated documentation produced as a result of or following the data reduction and verification, which were contained in individual folders labeled with the new sample number. They declined every time, with one minor exception.⁴ They did take copious notes, however, and appeared to transcribe the results and other information to report to their client.

23. On Friday afternoon, again in the conference room outside of the laboratory, I participated in a discussion with the parties about what further steps in the process they wished to observe. They and we knew at that time that the results of the sixth and seventh samples would be reported on Saturday, the results of the eighth and ninth samples were scheduled to be reported on Sunday, and results of the tenth sample on Monday. We also knew that all of the sample preparation work would be completed Saturday morning or early Saturday afternoon, and that the only steps that remained for Sunday and Monday were the running of the GCMS and

⁴ The one minor exception was that they requested and were provided copies from each sample report folder of a sheet entitled "Masslynx - Sample List."

IRMS machines⁵ and the data reduction and report preparation that Mr. Landis' representatives had declared earlier that morning they no longer wanted or needed to observe. USADA's and Mr. Landis' representatives each agreed that none of them would remain after Saturday and that LNDD would e-mail the results and the basic documentation simultaneously and jointly to the four of them on Sunday and Monday. The parties agreed that under no circumstance would LNDD provide either of them the results before the other.

24. Mr. Scott states in paragraph 8.c on page 7 of his declaration that on Friday, "We all agreed that [this arrangement of simultaneously e-mailing the remaining results] would be an acceptable result *in case that continued observation was not possible.*" (Emphasis added.) This statement is misleading and disingenuous. Mr. Scott had agreed that he was going home and would *not* be present on Sunday or Monday. I certainly had no understanding at this point that he or any of the other observers were considering the possibility of staying over past Saturday.

25. Saturday morning began with a meeting among the representatives of LNDD, the two representatives of USADA, and Mr. Scott as the sole representative of Mr. Landis. We were told by Mr. Scott that Dr. Davis had flown back to England, which was consistent with the understanding reached the day before that none of the parties would remain after Saturday. Mr. Scott again confirmed the agreement reached on Friday and stated he was flying to the United States on Sunday and would not be present Sunday or Monday. After we reported and reviewed the results of the sixth and seventh samples, Mr. Dunn informed us that he would be leaving to return to the United States the next morning. He then left the LNDD premises

⁵ This is essentially a passive operation that takes hours, which Mr. Landis' representatives chose not to observe at all or for long during each of the prior days they were in operations.

sometime after noon. I did not communicate again with Mr. Dunn until late Sunday afternoon when I reported the results of the next set of samples analyses by e-mail as agreed to by the parties. It was clear to me that Mr. Dunn felt comfortable leaving based on Mr. Scott's representation and promise not to appear at LNDD on Sunday or Monday and that, if he had known Mr. Scott intended to appear, Mr. Dunn would have stayed.

26. After Mr. Dunn left on Saturday afternoon, Dr. Aguilera and Mr. Scott remained until about 4:00 p.m. in the afternoon. Shortly before everyone departed for the day, Mr. Scott for the first time, and quite to my surprise, informed me and Dr. Aguilera that, while he still believed he would not appear on Sunday or Monday, there was a *possibility* he might receive instructions or "orders" to stay. He stated the reason he might be ordered to appear on Monday was because the arbitration panel's expert might appear that day. He did not suggest that he might be ordered to stay over because of any desire or need he or Mr. Landis had for him to observe the remaining steps of the ongoing process at LNDD. I informed Mr. Scott that it was my conclusion that it would not be possible or appropriate for him to enter the lab on Sunday if no representative of USADA were there. I was not directed by anyone representing USADA to reach this conclusion or make this statement. It was simply a reflection of my understanding of the agreement the parties had reached and confirmed. Mr. Scott did not disagree with my conclusion. In fact he told me he understood. I left with the distinct impression that he was not going to appear on Sunday.

27. At 22:25 (10:25 p.m.) on Saturday evening, I received a text message in French on my phone, which I assumed to be from Francoise Desbureau, who had been serving as Mr. Scott's interpreter during the week. The message declared without explanation that Mr. Scott and she would be appearing at LNDD on Sunday morning. I was troubled by the message because it was

contrary to the clear agreement the parties had reached when Mr. Dunn left Saturday afternoon, inconsistent with the statement Mr. Scott made late on Saturday afternoon that he would not likely appear, and at variance with his apparent understanding and agreement at that same time after I told him it would not be possible because no one from USADA was planning to attend. At this time, I suspected that he or his principals might attempt to set LNDD and USADA up and make it appear, contrary to the truth, as if LNDD or USADA were denying him access in order to prevent him from observing and that the USADA representatives had chosen to leave solely for their own convenience.

28. I arrived at LNDD at 9:40 a.m. on Sunday. I received a call from Ms. Desbureau at approximately 10:30 a.m. informing me that she and Mr. Scott were at the facility and wished to be let in. I responded consistently with my statement the evening before that it was not possible if no one from USADA were present or planning to be present. I did not tell Mr. Scott that USADA "set the rules regarding the observation" as Mr. Scott declares in paragraph 8.k. on page 8 of his declaration. Mr. Scott did not inform me he had made any attempt to notify Mr. Dunn of his surprise visit, even though he knew Mr. Dunn had decided not to attend based on Mr. Scott's express and repeated promise not to attend himself. Mr. Scott had Mr. Dunn's cell phone number and e-mail address and had observed Mr. Dunn sending e-mails on his Treo cell phone throughout the week. With no apparent expectation that they would be let in, Mr. Scott and his interpreter simply sat on the bench outside the laboratory building all day in the sun, while Mr. Scott knitted a sweater. It seemed strange to me that Mr. Scott had decided that day to bring his needles and yarn, which he had not displayed at anytime during the previous six days. Mr. Scott made no further request to enter the building on Sunday. It was clear to me at this point that my suspicion of a set-up had become a reality.

29. Mr. Scott appeared on our doorstep again on Monday and asked to be let in. I provided him the same response as the day before. He sat there with his interpreter knitting away in the sun until approximately 14:30 or 15:00 (2:30 p.m. or 3:00 p.m.).

30. No representative of USADA ever instructed me or requested that I not allow Mr. Scott into the LNDD building on Sunday or Monday. Nor did I ever tell Mr. Scott that USADA had issued such an instruction or made such a request, notwithstanding his contrary statement in paragraph 8.k. on page 8 of his declaration.

I declare under penalty of perjury under the laws of France and the State of California
that the foregoing is true and correct and that this declaration was executed on April 30, 2007.

MASTREUDY le 30/04/2007

Jacques de Ceauriz